

The Holt County Sentinel.

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GRINDING 72 YEARS.

Holt Circuit Court Now Seventy-Two Years Old, and Still Grinding.

The coming of Judge Alonzo D. Burnes to the Circuit Court bench of Holt county brings him in the numerical order of the 14th circuit judge that has presided over our Circuit Court since the convening of that court in 1841, when the court was called on March 4, 1841.

For 72 years Holt county has had a Circuit Court. The first term was held at the home of William Thorpe, on the land now known as the Stephenson place, southeast of our little city. Court convened on the same day that "Tippecanoe and Tyler, too," was made president of the United States.

David R. Atchison was the first circuit judge, receiving his appointment from Thomas C. Reynolds, who was governor at the time. In 1838 he was appointed to the United States senate by Governor Reynolds to fill the vacancy caused by the death of Dr. Linn. He was afterwards re-elected and served two terms, the last of which expired in March, 1855, during the administration of Franklin Pierce. He was elected president of the senate, March 4, 1849, came on Sunday, and General Taylor not having been inaugurated president, Judge Atchison, as presiding officer of the senate, became president of the United States for the term of 24 hours, and is the only incident of the kind, we believe, in our history.

Judge Atchison's commission as circuit judge was dated February 1, 1841, and he was qualified before Abraham Shafer, a justice of the peace in Clay county. Andrew S. Hughes was appointed clerk, and William Thorpe, "Elizer," sheriff. Hughes served but a few days, and Bayless B. Grigsby was appointed; Grigsby at the time was recorder of deeds.

The court sat in an unfinished log house. A part of the floor was made of hewn logs—the rest of the floor was natural earth. The judge used the log floor, and the jurors and spectators occupied the dirt floor, where they sat on blocks of wood—a difference between now and then—as to accommodations.

Judge Atchison lived in retirement on his magnificent estate in Clinton county, till the breaking out of the civil war, when he left for the South, and was present at the battle of Lexington. He joined temporarily for the purpose of making up the company—Eph. Kelley's command from St. Joseph. At the close of the war "General" Atchison returned to his home in Clinton county near Plattsburg, where he died in 1886, aged 79. He was a native of Kentucky, and a college mate of Jefferson Davis. He was buried in a cemetery one half mile south of Plattsburg.

Peter H. Burnett was the first district attorney and was appointed by the governor. He accompanied Judge Atchison. It was prior to the days of the railroad, and they came from Platte county on horseback. Burnett went to California and on that state being admitted to the union in 1850, he was chosen as governor. He died in May, 1895, at the age of 87.

Of these judges in addition to Judge Atchison serving as United States senator, Judge Norton served as congressman, 1861-63; and was elected to the supreme bench in 1878 for a ten-year term. Isaac C. Parker served in congress, 1871-75; and also served as United States district judge for many years and died a few years ago while in office. Silas Woodson was elected governor in 1872, and died November 9, 1886.

Of the early-day lawyers practicing in our Circuit Court, Willard P. Hall served in congress from 1847 to 1853, and in 1864 was governor. James B. Gardenhire, of Buchanan county, was elected attorney general in 1852, and in 1860 was the first Republican candidate for governor. His total vote in the county was 173. Hall died November 2, 1882, and Gardenhire died at Fayette, February 2, 1892. Peter H. Burnett served as governor of California. Kelley served as representative of Holt in 1852-54.

At this term the following served as grand jurors, and received no compensation for their services: Joshua Adkins, Isaac Massie, Gilbert Ray, George Drane, Harman G. Noland, Green B. Thorp, B. B. Grigsby, R. H. Russell, Thomas Crowley, Roland Burnett, John Gibson, John Russell, John Starrill, James Kinney, Henry Holder, John Morgan, and David Jones. Mr. Noland was foreman. Of this body, all of these are now dead. As also Judge Atchison and the other court officers.

The first petit jury was not empan-



JUDGE A. D. BURNES.
Judge of the Fifth Judicial Circuit.

neled until the October term, 1841, the court being held at the home of Gilbert Ray, 3 1/2 miles southeast of Oregon. The jury consisted of George Borchers, Sam. G. Vest, Wm. H. Cunningham, John Swaine, Jesse Carroll, John Olney, Jacob Tarwater, Abraham Keeney, Silas Pierce, Francis Cassada, Wm. P. Braden, and Thomas Ferguson. The first case placed in their hands was that of the State vs. Joseph Roberts for trading with the Indians, and he was acquitted.

The early litigation in our county showed that for a great time in many terms of court a few men furnished all the cases. It was no unusual thing for a man to have two or three civil cases and be defendant in as many criminal cases at the same term. While the jury lists from term to term contained the names of about the same men, and almost every verdict returned from the first term until about 1845, bore the signature as foreman of either George McIntyre, Smith McIntyre or Jesse Carroll.

The first murder trial was known as the State vs. Cornelius McKissick, who shot to death Zadock Martin in Nodaway township, April 24, 1843. He was found guilty of second-degree murder, and given three years; new trial granted, he pleaded guilty to manslaughter and was fined \$500 and six months in jail; the fine was finally remitted, and he was later discharged from jail, on account of the jail being unfit for occupancy.

If any one supposes that the cases that engaged the attendance of the courts at that early day were expeditiously decided, he ought to examine the records. If he will investigate he will conclude that lawyers of this day have lost the art of delaying the disposition of cases. One of the first indictments found in 1841 was continued from term to term for four years. It was for robbery and the defendant was finally discharged without a trial. And a civil case began before a justice of the peace, before the county ever had a Circuit Court, between James Mitchell and Roland Burnett, was allowed to drag along and encumber the docket of the Circuit Court until 1846.

The first term was brief, but ere the next term it attracted to its bar these lawyers, some of whom were the ablest in Missouri, and afterwards won for themselves high honors in their own and neighboring states.

These lawyers were: Prince L. Huggins, James B. Gardenhire, Benjamin Hayes, Edwin Toole, James S. Thomas, Solomon S. Leonard, John M. Young, Christopher C. Brown, Elias West, Theodore D. Wheaton, A. W. Doniphan, Willard P. Hall, Isaac C. Parker, Jeff Chandler, John W. Kelley, Andrew S. Hughes and John W. Kelley were admitted to the bar at the March, 1841, term.

Those who have served upon the circuit bench in this circuit were: David R. Atchison.....1841 to 1843
Henderson Long.....1843 to 1846
S. L. Leonard.....1846 to 1852
Wm. B. Almond, April, 1852, to Oc-

tober, 1852

Edwin H. Norton.....1852 to 1869
Silas Woodson.....1869 to 1864
William H. Norton.....1864 to 1869
Benjamin P. Norton.....1869 to 1871
Isaac C. Parker.....1871 to 1872
Henry S. Kelley.....1872 to 1887
C. A. Anthony.....1887 to 1899
Gallatin Craig.....1899 to 1903

Judge Craig by reason of ill health resigned his position, and Judge Wm. C. Edlison was appointed by Gov. Dockery, and he served the unexpired term, and Judge Edlison was chosen at the 1901 election, and held his first term in January, 1903; he was re-elected in 1909.

Wm. C. Edlison.....1903 to 1913
Alonzo D. Burnes.....1913 to —
By reason of the increase in court business, Holt county was taken from the Fourth district, composed of the counties of Atchison, Holt, Nodaway, Worth and Gentry counties, and added to the Fifth Judicial circuit, composed of the counties of Andrew, Clinton, DeKalb, Platte, and now Holt. The act was passed by the legislature in March, 1913. It was by this act that Judge Burnes became our circuit judge.

CIRCUIT ATTORNEYS.

The Twelfth Judicial circuit was composed of the counties of Holt, Platte, Clinton and Caldwell, and in 1845 on the creation of Nodaway county, it was added, and the district remained so until 1872, when it was reduced and composed of Holt, Atchison, Andrew and Nodaway, and was known as the Fourth circuit. In 1892 the counties of Atchison, Holt, Nodaway and Andrew composed the Fourth circuit, and in 1901 Worth and Gentry were added to the circuit, and Andrew was added to the Fifth circuit.

Up to 1872 the state was represented by a circuit attorney. Those who held the office of circuit attorney were the following:

Peter H. Burnett.....1841
Solomon L. Leonard.....1842-44
Willard P. Hall.....1844-46
Isaac Jones.....1846-48
Andrew Hughes.....1848-50
Laurence Archer.....1850-52



A. M. TIBBELS.
Prosecuting Attorney.

James Craig.....1852-56
James M. Bassett.....1856-58
Thomas Thoroughman.....1858-62
Joseph P. Grubb.....1862-64
Isaac C. Parker.....1864-66
Jeff Chandler.....1866-71
B. K. Davis.....1871-72
T. C. Dungan.....1872

As stated above, the office of circuit attorney was abolished in 1872, and the office of prosecuting attorney was created. At the election in 1872, Mr. Dungan was elected as prosecuting attorney, serving as circuit attorney up to January, 1873, when he began his duties as prosecuting attorney. Those who have held the office of prosecuting attorney for Holt Circuit Court have been:

T. C. Dungan.....1873-75
James Limbird.....1875-79
L. E. Knowles.....1879-83
S. I. O'Fallon.....1883-85
*R. I. Rea.....1885-88
Henry Shuttles.....1888-89
John Kennish.....1889-91
W. E. Stubbs.....1891-93
G. W. Murphy.....1893-97
L. E. Knowles.....1897-97
W. E. Stubbs.....1897-99
Ivan Blair.....1899-03
Frank Petree.....1903-05
Ivan Blair.....1905-07
Geo. C. Price.....1907-09
H. T. Alkire.....1909-11
H. T. Alkire.....1911-13
A. M. Tibbels.....1913-

*R. I. Rea resigned during his second term, and Henry Shuttles was appointed to fill vacancy.

On the 31st of May, 1907, Mr. Knowles was stricken with heart disease, presiding at Memorial exercises in the Circuit Court room in this city and expired instantly. The governor named W. E. Stubbs to fill the vacancy, who served until January, 1909.

Limbird resides in St. Joseph; Rea at Hiawatha, Kas.; Kennish served as a member of the Supreme Court, having been chosen for two years at the 1912 election to fill vacancy caused by the death of Judge James D. Fox. On expiration of his term Gov. Majors named him a member of the State Utilities Commission. He also served as assistant attorney general under H. S. Hadley, 1905-06; Blair is practicing in Seattle, Wash.; Shuttles and Murphy have joined the silent majority. The remainder are still with us.

CIRCUIT CLERK.

At the general election held in Nodaway, Lewis, and Nishnabotna townships, August 2, 1841, Bayless B. Grigsby was elected over Larkin Packwood, Henry Kelley, and Gilbert Ray.



E. A. DUNHAM.
Circuit Clerk.

to the office of Circuit Clerk. He also officiated as county clerk and recorder. Mr. Grigsby remained in office until after the election in 1846, when he was succeeded by John Collins, who died a short time before the close of his first term in 1852, and was succeeded by Eliza VanBuskirk, father of our fellow townsman, Alexander VanBuskirk, who, by his election became ex-officio recorder, and Alfred H. Mullins, county clerk. Mr. VanBuskirk served until 1865, when Andrew N. Raley was appointed by Governor Thomas C. Fletcher under an ordinance of the constitutional convention held in that year, called the "ousting" ordinance. Andrew S. Hughes was named as the first circuit clerk by being appointed by Judge Atchison. He served but two days, March 4-5, 1841, when he resigned, and the court named Mr. Grigsby, who held the office until his election.

Those who have served as circuit clerks were:

Andrew S. Hughes.....1841-46
Bayless B. Grigsby.....1846-52
John Collins.....1846-52
E. VanBuskirk.....1852-65
A. N. Raley.....1865-66
Edgar L. Allen.....1866-75

Wm. A. Gardner.....1875-79
Wilson R. Springer.....1879-83
David S. Alkire.....1883-91
Gov. Morris.....1891-99
*George W. Hogrefe.....1899-05
R. G. Raley.....1905-07
Fred Cook.....1907-11
Ed. A. Dunham.....1911-

*Mr. Hogrefe died in office, October 25, 1905, while holding his second term, and Mr. Raley was appointed by Governor Joseph W. Folk, who filled the vacancy until the election in 1906, when Fred Cook was elected, SHERIFF.

In 1841 the office now known as sheriff was called "Elizer," and Judge Atchison named William Thorpe as the sheriff of the county, and he held this office until the regular election the summer following, when R. H. Russell was chosen.

The first sheriff settlement to be made with the state was that of R. H. Russell, who had been elected in August, 1842, and the following April he made his settlement with Hiram H. Baber, then state auditor. Russell went on horseback to Jefferson City in company with the sheriff of Buchanan county, St. Joseph was then known as "Robidoux's Store." It required five days to make the journey.



GEORGE E. GELVIN
Sheriff of Holt County

He paid the state dues all in wolf scalps. The following have served as sheriffs of our county:

William Thorp, Elizer, March 4, 1841, to August.....1841
R. M. Barkhurst, August, 1841, to May.....1842
Zedekiah Davis, coroner, May, 1842, to August.....1842
R. H. Russell.....1842-46
Francis M. Pollock.....1846-50
Wm. D. Heeler.....1850-54
John L. Dierker.....1854-56
Galen Crow.....1856-60
R. G. Emerson.....1860-62
Wm. Kaucher.....1862-66
Albert Roeder.....1866-70
Moses M. Smith.....1870-72
W. G. McIntyre.....1872-74
S. T. Lucas.....1874-78
W. H. Frame.....1878-82
A. J. Castle.....1882-84
J. E. Cummins.....1884-86
H. E. Denny.....1886-88
W. H. Frame.....1888-92
Henry Cook.....1892-94
C. R. Edwards.....1894-98
John Ramsay.....1898-02
Jas. A. Williams.....1902-06
A. R. McNulty.....1906-12
Geo. E. Gelvin.....1912-

Up to 1873 the sheriff was ex-officio collector of revenue.

*Barkhurst was chosen representative in 1842, and on entering the campaign resigned as sheriff, and Zedekiah Davis, the coroner, became the acting sheriff for the county for the remainder of the term.

It will be seen by scrutinizing the list of court officers that since the creation of the Holt County Circuit Court we have had 11 circuit judges, and a like number of circuit attorneys and circuit clerks, 18 county attorneys, or prosecutors, and 25 sheriffs.

THE SENTINEL sends its kindly greetings to Judge Burnes. He comes as no stranger to many of the bar, and he is well and favorably known to many of our citizens who are not of the bar. He stands high up on the rolls of the circuit judges of our state, and while we regret to part company with Judge Ellison, who has made us a splendid circuit judge, we are glad to know that our county has been added to Judge Burnes' district.

Alonzo D. Burnes was born October 27, 1864, and on his 49th birthday he takes his seat as the judge of the Circuit Court of Holt county. He made his first appearance on earth in the little town of New Hampton, south-

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The Locomotive's Centenary.

The railroad locomotive is one hundred years old. It was in 1813 that William Hedley, a colliery superintendent, drove a crude and ponderous thing over smooth rails. It pulled eight loaded wagons at five miles an hour, and the fact was established that smooth wheels revolving on smooth rails have tractive power.

Richard Trevithick, the Cornishman, is given credit as inventor of the locomotive, for in 1801 a common road locomotive constructed by him, carried the first load of passengers ever carried by steam. But the Trevithick locomotive did not run on smooth rails. The Cornishman later constructed engines which pulled cars around circular tracks, but it was Hedley who first put the locomotive to a commercial use.

Seventeen years after Hedley's demonstration George Stephenson's "Rocket" made its trial trip at 29 miles an hour. That was September 15, 1825, and that date marks the era of modern railroading. It was proven that locomotives traveling smooth rails had tractive power and could attain speed, but Stephenson and others succeeded only after discouraging experiments to overcome difficulties presented by the engine and rails.

Some present residents of Holt county, George Weber, born in 1824; Philip Kollmer, born in 1826; George Meyer, in 1827; C. P. Bartram, 1827; Jas. Brohan, 1829; Robert Cain, 1825; and many others, were children when the inventors were doing their utmost to attain speed. Today the complaint is against too much speed. Accidents a century ago were mere incidents; today they are used as arguments against the very things men were striving for one hundred years ago.

Probably nothing else typifies a century's progress so well as does the locomotive. It serves the present and affords visions of both past and future.

Convicts on the Road.

The State Board of Prison Inspectors have offered the services of 100 convicts to complete the improved highway between Jefferson City and Columbia, provided these cities or the county courts of the respective counties would pay for the feed of the convicts while they are employed.

It is estimated by the State Highway Department that the cost of feeding the convicts would not exceed \$800. There are about 18 miles of this highway between South Cedar City in Callaway county and Ashland, Boone county, yet to be completed.

The Board of Prison Inspectors could put 600 convicts on the highways of the State today if any counties or municipalities wanted their labor enough to pay for their feed, which would amount to about 25 cents per day per man. Only Cole, Callaway and Boone counties have ever worked convicts on the highways, and Callaway and Boone to a very limited extent.

It is not known definitely what the Boone county people will do about accepting the offer of the prison officials. It is said Jefferson City will put up its share of the money to pay for the convicts.

Night for Sprites.

Light the bonfires and let their flickering glow and shadow fall unevenly on the figures of the household gods, for tonight, Thursday, October 30, is the vigil of All Saints' day—Hallowe'en.

Let the coy young girl with tangled hair, giggling in the shadow of the corner, take good care to propitiate the fairies if she wishes to have a husband, and let the senior of the household abate nothing of the ancient ritual in which alone the stability of the household for the coming year may be assured.

Today, Friday, October 31, is All Saints' day, and the religious praying in many churches remember the good saints who have left on the sands of time prints that inundations of changeful times may not wash away. And with all the saints, who, from their labors rest, there are those who have trod the earth with those now living, and their memories are revived with sweet recollection on this day of all others, and once more they speak good counsel and celestial love.

Tonight Hallowe'en parties here and there around the fire that blazes on the hearth, piled high with crackling logs, will be the rule, and friend will cherish friend before both go to join the "All Saints."

Judge George Meyer has recently purchased residence property in Craig and will soon become a resident of that city.